

W5YI

America's Oldest Ham Radio Newsletter

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable.

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ARRL PETITIONS FOR NEW ENFORCEMENT PROCEDURE

The American Radio Relay League filed a massive (more than 30 page) Petition for Rule Making seeking to "Improve the Procedures for Addressing Serious Rule Violations in the Amateur Radio Service, and to Create a Private Sector Complaint Procedure." The very professionally completed document was authored by the League's Washington DC General Counsel, Chris Imlay, W3KD.

The League wants the Commission to create a streamlined enforcement process to handle serious interference violations. "A private complaint procedure to directly initiate adjudication of malicious interference cases before the Chief Administrative Law Judge, with appropriate due process safeguards, would provide a means of maximizing the benefit of work of volunteers." ARRL said. "It would also expedite the enforcement process, while at the same time minimizing the administrative burden on the Commission's staff in preparing and presenting enforcement cases to the Administrative Law Judges for adjudication. Finally, it would encourage compliance overall, by creating a sense of deterrence to violative behavior generally."

The League believes there is a substantial need to improve and increase the quantity, quality and speed of enforcement of the Amateur Service regulations ...especially in the area of malicious interference. The ARRL said that new handling is needed since improvement in rule enforcement is not likely to occur considering the FCC's dwindling staff and budget.

The ARRL feels that the "There is a great deal

of value and utility in the work of the many volunteers in the Amateur Auxiliary in documenting instances of serious rule violations, most notably malicious interference, and the identification of the sources of such." The League does not believe that this resource is being used to its greatest advantage under the present system and feels a new privatized enforcement system would increase the benefit of their volunteer work. It also would reduce the burden on FCC staff in preparing the case for legal settlement. ARRL said that the increased use of volunteer resources would seem to be entirely appropriate in the Amateur service, which involves hobby, public safety and public safety uses of radio only.

One of the problems is that even though "amateur volunteers have painstakingly prepared, and have submitted tapes and transcripts, and conducted direction-finding efforts to determine the identity and location of sources of unlawful transmissions and proof of the occurrence of the violation, all of which potentially save Commission staff many hours of time doing the same thing" those efforts have not been utilized. The FCC has a policy to independently corroborate any radio volunteer-gathered evidence. "...the policy often acts as a absolute obstacle to any enforcement activity whatsoever, given the resource limitations of the Commission's Compliance and Information Bureau..."

The League does not feel that the tradition of self-enforcement and the overall level of rule compliance among amateurs has deteriorated over the years. "There are now more than 750,000 licensees

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in the Amateur Service and the number of licensees is still growing. There are fewer than ten active MI (malicious interference) cases in the United States at the present time. No other radio service can boast that degree of compliance and self regulation," ARRL said.

Considering its budget and staff limitation and the priority of the safety-of-life radio services, the ARRL agrees that the Commission's enforcement support "...is perhaps as extensive as it can be... At the same time, the Commission must expect that, in any group of more than 750,000 individuals, there will inevitably, at any time, be at least a small minority which are intentionally and repeatedly not rule compliant."

ARRL believes that visible enforcement action against these few would promote significant rule compliance results in the Amateur Service as a whole. "...rapid enforcement action in particular cases of malicious interference keeps the matter from becoming chronic, and deters others from becoming involved."

Current handling of enforcement cases

The League and the FCC have a written agreement whereby the Amateur Auxiliary provides a means of gathering evidence where a compliance problem cannot be resolved cooperatively. Evidence that is not used within a year become legally stale and cannot be used. "This is, from the League's perspective, an unfortunate waste of a valuable resource. Volunteers will not support a volunteer program, if the product of the volunteer's work is not utilized."

"The Commission's staff effort in gathering the evidence and preparing the case in Washington is the most time-consuming portion of the proceeding. It is not a particularly productive use of staff time, however, with respect to amateur radio enforcement efforts, since it is possible for the same function to be provided in the private sector by volunteers, through the Amateur Auxiliary program. The valuable time of Commission enforcement staff could be diverted to other purposes."

The League believes that license suspension or revocation are clearly superior remedies in serious Amateur Radio enforcement matters because there is a widespread, and growing, perception that administrative forfeitures (fines) are not collectible.

The FCC currently approaches enforcement in difficult cases by having their Wireless Telecommunications Bureau's (WTB) enforcement division receive evidence gathered and assembled by the League's Amateur Auxiliary. If deemed compelling, WTB asks the Compliance and Information Bureau to gather additional evidence -- which may or may not be possible due to CIB's priorities and resources.

After coordination with the General Counsel's Office (OGC), a *Notice of Apparent Liability* for monetary forfeiture or a Show Cause (why a license should not be revoked or suspended) order is issued. The accused is entitled to a hearing before revocation or suspension

before an Administrative Law Judge (ALJ) in a trial-like proceeding. An Initial Decision containing findings of fact and conclusion of law is then issued.

The League contends that this policy is flawed since it is dependent upon the WTB or CIB having, in their view, enough evidence on which to proceed. Only the most compelling and urgent cases go forward. "...any additional evidence necessary must be gathered by the CIB staff which is already stretched to capacity."

Additionally, ARRL believes that the Administrative Law Judges are not being utilized to capacity by the Commission at the moment. "...the caseloads of the ALJs are significantly reduced from prior levels."

Private sector complaint procedure

The current law provides that the Commission may accept the voluntary and uncompensated services of licensed radio amateurs in improving compliance in the Amateur Service. "...these volunteers may detect improper Amateur Radio transmissions, and convey to Commission personnel information necessary to the enforcement of the Communications Act or regulations governing the Amateur Service."

ARRL says "There is ample statutory authority in [the law] to allow the Commission to adopt a private sector complaint procedure which would utilize the evidence of repeated instances of malicious interference in the Amateur Service, and evidence of the identity of the perpetrator, gathered by volunteers."

The League proposed that the new private complaint procedure would be limited to alleged violations of Section 97.101(d) which states that no amateur operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal..."

The League's plan would be to rely on the members of the Amateur Auxiliary program to gather the evidentiary material and submit it to the Chief Administrative Law Judge in a complete package. The Chief ALJ, in the manner of a Federal Magistrate, would review that material, and make a threshold determination whether the material establishes a *prima facie* case against a particular individual.

In a nutshell, the ARRL proposal "...would provide a means of presenting a few, serious cases of malicious interference for hearing and determination of an appropriate remedy by ALJs, without the time-consuming involvement by hardworking WTB and CIB staff. It would provide a mechanism for bringing private sector complaints directly to the Chief Administrative Law Judge, who would determine whether the evidence presented makes, on its face, a *prima facie* case.

The procedure would not exclude the WTB and the CIB as parties whatsoever. The appropriate bureaus would always be a party, to the extent to which those Bureaus choose to participate in a particular case. Nor would a private sector complaint process preclude any enforcement action by the Commission on its own

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motion, using current procedures.

If the evidence presented is deemed to establish a *prima facie* case, the Chief ALJ would assign the case to an ALJ, who would issue the accused a show cause order and ask for a response in writing within 30 days. The handling of the balance of the case would be in accordance with existing procedures.

"The most important benefit of this procedure is that it would relieve the Commission staff of its evidence-gathering burden, and the burden of preparing and adjudicating cases, and would encourage volunteer effort and self regulation of the Amateur Service. It would expedite enforcement matters and create a sense of deterrence. The ALJs are not now overburdened, and it is anticipated that considerably fewer than a dozen properly documented cases would be presented to the Chief ALJ in a year; perhaps fewer than that would go forward for adjudication.

If accepted, the ARRL proposal would create a privatized procedure for the submission to the Chief Administrative Law Judge of private sector complaints of serious rule violations in the Amateur Service. It incorporates the following elements:

- A. Complaints of amateur rule violations must establish, *prima facie*, at the time they are submitted to the Chief ALJ, that the violation(s) alleged constitute malicious interference; that they are willful, intentional and repeated; and that they are of a nature that they seriously impede lawful amateur communications.
- B. The Complaint, and all supporting materials, must be prepared by members of the Amateur Auxiliary, and submitted to the Chief Administrative law Judge, who will make a threshold determination whether the Complaint, and the incorporated evidentiary material, establishes a *prima facie* case. The Complaint must contain facts sufficient to establish not only the violation of a Commission rule or the Communications Act regarding malicious interference, but also the identity of the perpetrator. If not, the material will be returned to the submitter without further action, and with no prejudice to the accused.
- C. If the Complaint and supporting material is determined by the Chief Administrative Law Judge to establish a *prima facie* case, the Complaint will be assigned to an Administrative Law Judge who will issue a Show Cause order addressed to the accused, and a hearing proceeding commenced in accordance with normal Commission procedures. The League will assist in the presentation of the case as necessary.
- D. In cases in which the accused is an amateur licensee, the Wireless Telecommunications Bureau will be made a party to each proceeding. In cases where the accused is not a licensee, the Compliance and Information Bureau will be made a party to each such proceeding.

The ARRL requested that the FCC issue a *Notice of Proposed Rule Making* at an early date looking toward the creation of a private complaint procedure. [Petition filed March 28, 1997.]

AMATEUR RADIO STATION CALL SIGNS

...sequentially issued as of the first of March 1997:

Radio District	Group A Extra	Group B Advanced	Group C Tech/Gen.	Group D Novice
0 (*)	AB0EW	KI0HM	(***)	KB0ZZI
1 (*)	AA1RX	KE1HL	N1YWB	KB1CDF
2 (*)	AB2DK	KG2KS	(***)	KC2BGQ
3 (*)	AA3PO	KE3ZI	N3YZS	KB3BST
4 (*)	AF4BV	KU4EV	(***)	KF4QIR
5 (*)	AC5LX	KM5IC	(***)	KC5ZSK
6 (*)	AD6AV	KQ6NW	(***)	KF6JXT
7 (*)	AB7UQ	KK7GL	(***)	KC7VMM
8 (*)	AA8ZU	KI8BQ	(***)	KC8GTE
9 (*)	AA9UG	KG9JZ	(***)	KB9PZR
N. Mariana	NH0A	AH0AX	KH0GS	WH0ABG
Guam	(**)	AH2DC	KH2RN	WH2ANT
Hawaii	AH7S	AH6PA	KH7DJ	WH6DDT
Amer. Samoa	AH8O	AH8AH	KH8DH	WH8ABF
Alaska	AH0D	AL7QT	KL0FM	WL7CUE
Virgin Is.	WP2Z	KP2DX	NP2JQ	WP2AIH
Puerto Rico	KP3Y	KP3AR	NP3MI	WP4NMZ

* = All 1-by-2 & 2-by-1 call signs have been assigned.

** = All 2-by-1 call signs have been assigned.

*** = Group "C" (N-by-3) call signs have now run out in all but the 1st and 3rd call district.

New prefix numerals now being assigned in Puerto Rico (KP3/NP3), Hawaii (AH7/KH7) & Alaska (AH0/KL0)

NEW AND UPGRADING AMATEUR STATISTICS FOR THE MONTH OF MARCH 1997

Amateur License Class	New Amateurs MAR 1997	Upgrading Amateurs MAR 1997	Total Amateurs MAR 1997
Novice	111	0	111
Technician	2398	1	2399
Tech Plus	223	469	692
General	26	431	457
Advanced	5	326	331
Extra Class	1	226	227
Club	144	0	144
Total:	2908	1453	4361

[Source: FCC Database, Washington, DC]

• **HELP WANTED!** Bruce J. Perens, K6BP (EI Cerrito, CA) has established a website which he calls "No Code International" at <http://www.nocode.org/> Bruce works for Pixar, the software animation company that created the smash hit movie: Toy Story. No-Code International is a temporary "grass roots" organization whose objective is to remove the International Morse code requirement as a prerequisite to HF ham band operation. The organization will be disbanded when the code requirement is abolished. The coalition is looking for no-code articles and links to be posted to the site ...and for help with Website design. Contact Bruce at: k6bp@nocode.org if you want to participate.

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FCC ADOPTS SEVERAL NEW PART 97 RULES

On April 1st, the FCC released a final Report and Order on WT Docket 95-57. The FCC characterized the changes as minor, but some amateurs may consider them important. The new rules provide for

- 1) improving eligibility standards for a club station license,
- 2) recognizing the role of the volunteer examiner ("VE") teams and session managers,
- 3) establishing a special event call sign system, and;
- 4) authorizing a self-assigned indicator in the station identification announcement.

The Commission declined, however, to allow examination credit for licenses formerly held.

Background

This proceeding was initiated by three petitions for rule making filed in 1993. The ARRL requested in RM-8462 that the rules be amended to increase from two to four persons the minimum number of members required to constitute an organization eligible for a club station license. The National Conference of Volunteer-Examiner Coordinators (NCVEC) filed RM-8301 seeking amendment of the rules to provide for a VE on-site team manager at a license examination session. In RM-8418, ARRL requested that a former licensee be allowed to obtain a new amateur operator license without passing the requisite qualifying examinations.

A *Notice of Proposed Rulemaking* (NPRM) was adopted in 1995 addressing these Petitions. The FCC also proposed rules for a special event station vanity call sign system and a rule amendment that would provide licensees with greater flexibility when an amateur station is using self-assigned indicators with its call sign.

VE Team and Session Manager

In the NPRM, the FCC proposed to amend the amateur radio service rules to reflect an evolution in the volunteer-examiner coordinator ("VEC") system that would give recognition to the VE manager function. The rules for the VEC system were established with the view that the same three VEs would carry out all aspects of administering an examination to an individual. Therefore the rules do not provide for teams and managers who would take care of the myriad details in connection with administering an amateur operator examination.

The comments from the public generally supported the FCC's proposal to include recognition in the rules of the VE session manager function. The comments also show that many VEs find it more efficient to function as a team, with one member organizing activities at an examination session and carrying on liaison functions with the coordinating VEC.

Additionally, some VEs find it more efficient to call upon other VEs to administer test elements for them. For example, the National Conference of VECs (NCVEC) states that several groups of VEs are required to

administer test elements at examination sessions where there are large numbers of examinees. Each group concentrates on administering one particular test element. The W5YI-VEC suggests that the Administering VEs' Report be revised to require only the VE session manager to sign the certification statement on the examinee's license application document. The ARRL, however, disagrees. It sees no reason why three VEs should not each continue to be held jointly and severally responsible for the proper conduct of each examination administered. The Anchorage Amateur Radio Club, Inc. states that having only one person responsible at the examination session eliminates any liability on the part of the other VEs.

The FCC said it is in the public interest for the VEC system to function efficiently and effectively. "We believe, therefore, that our rules should provide flexibility for VEs to tailor their activities in ways that allow them to administer examinations most efficiently. Many VEs find it is more efficient to function as a team, rather than as three individuals, when many examinees want different combinations of the test elements administered at the same examination session.

"With respect to the suggestion that only the VE session manager sign the certification statement on the examinee's license application document, we point out that the VEs are not required to use a VE session manager. Additionally, all VECs do not support the suggestion. The ARRL believes that three VEs must each be held responsible for the proper conduct of each examination administered. Another VEC believes that having only one person sign the certification statement would eliminate any liability on the part of the other VEs. Our view is that the signed statement of the three VEs helps ensure that only qualified persons receive amateur operator licenses. We are not persuaded, therefore, to adopt this suggestion." The amended rules, therefore, emphasize:

- 1) the three VEs who sign the certification statement are jointly and individually accountable for the proper administration of each examination element reported on the examinee's license application document;
- 2) these VEs may, but are not required to, delegate to other qualified VEs the actual administration of test elements;
- 3) VEs may, but are not required to, form themselves into teams;
- 4) a VE team may, but is not required to, select a VE session manager to organize activities at an examination session and conduct liaison functions with the coordinating VEC;
- 5) the VEC is responsible for resolving discrepancies appearing on the license application document and verifying that the VEs' certification statements are properly completed.

"These amendments will improve the licensing process by providing the VEs with the flexibility to implement efficient testing procedures, yet retain a key safeguard against improperly administered examinations."

Club Station Eligibility

The FCC proposed to increase the eligibility

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requirement for a club station license to four club members. "... it is important to determine that the applicant for a club station license is a legitimate radio club and not just a person seeking to acquire additional call signs. A club station license makes it possible for members of amateur radio clubs -- such as those meeting in schools -- to have a station operated under a unique call sign. Currently, the minimum number of members required ...to be eligible for a club station license is two members. An individual amateur operator may obtain only one call sign, but individuals posing as clubs could obtain additional call signs. Moreover, unless the call signs are requested under the vanity call sign system, call signs can be obtained without paying a fee."

The Commission said that the comments supported the increase to four in the minimum number of members that can constitute an organization eligible for a club station license. The ARRL states that the current two-member test fails to distinguish a legitimate club from any two individuals who simply want to obtain more call signs, but who do not really function as an amateur service club. The FCC "believe[s] the amateur service community appreciates the club station license privilege and will call to our attention any abuses... [While] raising the eligibility requirement to a minimum of four members would not, in and of itself, guarantee that a license application is from a legitimate amateur radio club ...it may help deter the filing of license applications by bogus clubs. For example, the club applicant must have a name, a document of organization, management and a primary purpose devoted to amateur service activities consistent with our rules for the service. We are amending the rules, therefore, as proposed."

Self-Assigned Indicator

The current rules provide that a self-assigned indicator may be included with the call sign during the station identification announcement. This provision enables an amateur operator to call attention "on-air" to his or her unique situation. This rule, however, specifies that the indicator must be transmitted after the call sign. In response to several informal requests, the FCC proposed to allow the station identification to include a self-assigned indicator *before, after, or both* before and after, the assigned call sign. The location of the indicator in the station identification does not prevent a person overhearing the announcement from determining the identity of the station licensee. For example, under the proposal, these four options would be available to the ARRL's club station W1AW when transmitting from the Virgin Islands: W1AW, KP2/W1AW, W1AW/KP2, or KP2/W1AW/KP2. The comments generally support this proposal because it allows greater flexibility to a station operator wishing to use an indicator. FCC agreed and adopted the proposal.

Special event call sign system

The FCC requested comments on a proposed spe-

cial event call sign system (originally suggested by the ARRL) that would be administered by the Commission. The FCC had previously reserved the block of call signs having the rarest of all formats -- the 750 one-by-one call signs (one letter prefix followed by a numeral and a one letter suffix) -- for temporary use by amateur stations during events that are of special significance to the amateur service community.

A special event call sign aids amateur operators in calling attention "on-air" to their participation in the event as well as helping to bring public notice to the event. For example, the FCC has recently received requests for one-by-one call signs to be used by amateur stations in conjunction with a wide variety of events such as conventions, festivals, dedications and anniversaries.

The comments showed no consensus as to the nature and types of special events that the amateur service community considers warranting the use of one-by-one call signs. One commenter felt that a licensee should be able to obtain a 1x1 call sign for use on his birthday. The Anchorage ARC suggests that a larger block of call signs would be needed to accommodate requests for special event stations in Alaska, the Caribbean Insular Areas, Hawaii and the Pacific Insular Areas. Still another suggested special event call signs be available only to Amateur Extra Class operators.

The FCC said that "Although the comments do not provide the licensing criteria that would be needed for us to administer a special call sign system, the numerous and varied requests that we have received for call signs from the one-by-one format block indicate that there is a widespread demand for some type of special event call sign system. Moreover, we believe that a special event call sign system can be best utilized in a self-administered fashion. We are amending our rules, therefore, to authorize the licensee of an amateur station operating in conjunction with a self-determined special event to substitute for its assigned call sign a self-selected call sign from the block of one-by-one call signs. The station must also announce its assigned call sign at least once each hour during such operation so that listeners can determine the identity of its licensee."

"We observe that the amateur service community provides on-line license data base information through the Internet. We are confident this experience can be used to coordinate the short-term use of special event call signs. The rules adopted herein, therefore, delegate authority to the Chief, Wireless Telecommunications Bureau to certify volunteer entities to serve as amateur station special event call sign data base coordinators. Such entities would coordinate, maintain and disseminate a common on-line data base for the block of special event call signs. We will announce by Public Notice when entities may propose to volunteer their services. Special event call sign coordinators will be selected on the basis of their ability to coordinate, maintain and disseminate world-wide a common on-line data base. This amendment will serve our amateur service licensees by

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simplifying and improving the efficiency of our licensing process."

"We see no need to limit special event call signs only to stations licensed to Amateur Extra Class operators, [since] the operation of a special event station does not require additional skill [or] authorize any operating privileges. It simply allows an already-licensed station to temporarily use a different call sign in the identification announcement that helps attract greater attention to the on-air presence of the station.

"Further, we do not agree that a larger block of special event call signs would be necessary to fully accommodate the demand. Moreover, we do not have additional call signs to assign for this purpose given that any such call signs would have to be taken from the sequential and vanity call sign systems, thus denying them to amateur operators who want them assigned to their primary and club stations."

Examination Credit

This proposal suggested allowing examination credit for persons whose amateur operator licenses have lapsed. The objective was to encourage former amateur operators to become involved again in the opportunities provided by the amateur service. The FCC proposed to authorize VEs to give examination element credit for any examination that the examinee previously passed in obtaining a license formerly held.

The FCC said "The comments generally oppose allowing examination credit for amateur operator licenses formerly held. ...In lieu of the Commission's proposal to give examination credit, ARRL suggests that the operator license be valid for the lifetime of the holder."

The FCC declined to adopt this proposal in view of the opposition expressed in the comments. "Persons who allow their amateur operator license to expire will have to pass the requisite examinations if they later decide to obtain another amateur operator license. We do not believe that attending an examination session is a hardship. The VEs provide abundant examination opportunities.... We believe that our procedures provide ample notification and opportunity for license renewal. The license expiration date is shown on our licensee data base, so that it can be obtained through the Internet even if the license document is lost. Providers in the private sector often use this information to remind licensees that expiration is about to occur. For those persons who inadvertently fail to renew, a two-year grace period is allowed.... With respect to the lifetime operator license suggestion, the operator would still have to renew the station license every ten years. We would, therefore, have to develop and maintain a separate data base specifically for the purpose of maintaining indefinitely records of amateur operators who allow their station license to expire. It would not be in the public interest to expend resources for such increased record retention."

CHANGES IN THE FEDERAL REGULATIONS

Parts 0 and 97 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

Part 0 - Commission Organization

§ 0.131 Functions of the Bureau.

(p) Certifies, in the name of the Commission, volunteer entities to coordinate, maintain and disseminate a common data base of amateur station special event call signs, and issues Public Notices detailing the procedures of amateur service call sign systems.

Part 97 - Amateur Radio Service

Section 97.3(a)(11)(iii) is added to read as follows:

§ 97.1 Definitions.

(a) The definitions of terms used in Part 97 are:
(iii) **Special event call sign system.** The call sign is selected by the station licensee from a list of call signs shown on a common data base coordinated, maintained and disseminated by the amateur station special event call sign data base coordinators. The call sign must have the single letter prefix K, N or W, followed by a single numeral 0 through 9, followed by a single letter A through W or Y or Z (for example K1A). The special event call sign is substituted for the call sign shown on the station license grant while the station is transmitting. The FCC will issue public announcements detailing the procedures of the special event call sign system.

Section 97.5(b)(2) is revised to read as follows:

§ 97.5 Station license required.

(b) The types of station licenses are:
(2) A club station license. A club station license is granted only to the person who is the license trustee designated by an officer of the club. The trustee must be a person who has been granted an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this Part. The club station license document is printed on FCC Form 660.

Section 97.119(c) is revised and a new Section 97.119(d) is added to read as follows. Current Section 97.119(d) through (f) is redesignated as Section 97.119(e) through (g).

§ 97.119 Station identification.

(c) One or more indicators may be included with the call sign. Each indicator must be separated from the call sign by the slant mark (/) or by any suitable word that denotes the slant mark. If an indicator is self-assigned, it must be included before, after, or both before and after, the call sign. No self-assigned indicator may conflict with any other indicator specified by the FCC Rules or with any prefix assigned to another country.

(d) When transmitting in conjunction with an event of special significance, a station may substitute for its assigned call sign a special event call sign as shown for that station for that period of time on the common data base coordinated,

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maintained and disseminated by the special event call sign data base coordinators. Additionally, the station must transmit its assigned call sign at least once per hour during such transmissions.

Section 97.509(a) and (l) are revised to read as follows:

§ 97.509 Administering VE requirements.

(a) Each examination element for an amateur operator license must be administered by a team of at least 3 VEs at an examination session coordinated by a VEC. Before the session, the administering VEs or the VE session manager must ensure that public announcement is made stating the location and time of the session. The number of examinees at the session may be limited.

(l) When the examinee is credited for all examination elements required for the operator license sought, 3 VEs must certify on the examinee's application document that the applicant is qualified for the license and that they have complied with these administering VE requirements. The certifying VEs are jointly and individually accountable for the proper administration of each examination element reported on the examinee's application FCC Form 610. The certifying VEs may delegate to other qualified VEs their authority, but not their accountability, to administer individual elements of an examination.

New Section 97.513 is added to read as follows:

§ 97.513 VE session manager requirements.

(a) A VE session manager may be selected by the VE team for each examination session. The VE session manager must be accredited as a VE by the same VEC that coordinates the examination session. The VE session manager may serve concurrently as an administering VE.

(b) The VE session manager may carry on liaison between the VE team and the coordinating VEC.

(c) The VE session manager may organize activities at an examination session.

Section 97.519(b) is revised to read as follows:

§ 97.519 Coordinating examination sessions.

(b) At the completion of each examination session, the coordinating VEC must collect the FCC Form 610 documents and test results from the administering VEs. Within 10 days of collecting the FCC Form 610 documents, the coordinating VEC must:

(1) Screen each FCC Form 610 document;

(2) Resolve all discrepancies appearing on the FCC Form 610 documents and verify that the VEs' certifications are properly completed; and

(3) For qualified examinees, forward electronically the data contained on the FCC Form 610 documents, or forward the FCC Form 610 documents to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245. When the data is forwarded electronically, the coordinating VEC must retain the FCC Form 610 documents for at least 15 months and make them available to the FCC upon request.

Adopted by the Commission, March 20, 1997;
Released: April 1, 1997 by *Report and Order*

DID A HAM OPERATOR'S RADIO TALK SHOW CAUSE THE SAN DIEGO MASS SUICIDES?

What you haven't read about the Heavens Gate tragedy!

Newsgroups on the Internet and the mass media are going nuts trying to connect Art Bell with the San Diego suicides. Many are succeeding. Art Bell's "Coast to Coast on AM" is the incredibly popular radio talk show broadcast from a studio in his home in Pahrump, Nevada. He is also W6OBB (Advanced Class) ...and a very active ham operator.

He can be found on the ham bands after his show mornings on 3820 kHz lower sideband. And almost every morning there is a 75 meter net (3847 kHz) where hams discuss what they heard on the Art Bell Show the previous night. Art Bell even has his own very popular, constantly updated website which has been accessed over a million times! (Check out: <http://www.artbell.com/>)

Art Bell actually has two syndicated shows: his weekday all night "Coast to Coast AM" and "Dreamland" which airs Sunday evenings. Bell has been doing his Coast-to-Coast show for some ten years now. And it is still growing in popularity. Art Bell is no ordinary talk show host, not just because "Coast-to-Coast AM" is the dominant live all-night (11 p.m. to 5 a.m.) show in America today, but because Art's a true radio fanatic. How many hosts get off the air after a five hour show, and after changing microphones, turn on their HF ham rig, and talk to fellow amateur radio operators all over the country?

Bell is the son of strict military parents; his father was a colonel, and his mother was a drill sergeant in the U.S. Marines. As a youngster, he built and operated a pirate radio station at Amarillo Air Force Base, secretly broadcasting rock 'n' roll music. By the age of 13, Art was an FCC-licensed radio technician. Later, Art studied engineering at the University of Maryland and worked his way up the broadcasting ladder to chief engineer. This led to many opportunities to do on-air work.

When the 50 thousand watt giant in Las Vegas, NV KDWN 720-AM offered him the chance to broadcast all night to 13 western states, he grabbed the opportunity and never looked back. By the end of 1995, 160 stations aired Coast-to-Coast AM. Now, more than 350 stations carry his nightly show. And he is adding affiliates at the rate of two a day!

Nobody thought all-night live radio had a future after Larry King abandoned his throne. Advertisers thought no one would listen anymore. "Coast to Coast AM with Art Bell" proved them wrong. When Art flips that switch and says "From the high desert and the great American Southwest," he's talking to 20 million listeners who want to be a part of a unique experience from Pahrump, Nevada. His exact address is a well kept secret.

Pahrump - an oasis in the desert - is located about 65 miles west of Las Vegas in Nye County. You probably will not find it on any map. It is in the middle of nowhere! Pahrump's claim to fame is that it is the home of

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the famed Chicken Ranch, one of Nevada's best known legal brothels.

And unlike most radio talk shows, there are no screeners on Art's programs, allowing any and all to participate. He has five toll-free lines and gives callers three minutes each. Art will occasionally invite extraterrestrials to call and have a chat with earthlings. The strange, weird ...and outright outrageous and unbelievable are the usual fare for discussion which includes UFOs, aliens, psychics, paranormal phenomena, ...and such.

According to the Associated Press, the link between the Art Bell radio talk show and the San Diego suicides took place last November when a Houston amateur astronomer by the name of Chuck Shramek called Bell's "Coast to Coast" radio show "...with astounding news -- a photograph he had taken on the night of November 14 showed a mysterious 'Saturnlike object' behind the Hale-Bopp comet. He speculated that it was up to four times the size of earth." Shramek never said he thought it was a spaceship filled with aliens.

"The next night, Courtney Brown, director of the Farsight Institute in Atlanta, was a guest on Bell's show. He claimed that three professional psychics associated with his institute had detected the comet-trailing object and found it to be a metallic object full of aliens." Many professional astronomers believe the alleged UFO was actually a distorted star with the Saturn rings being caused by the optics in Shramek's telescope.

In December, an Internet Usenet posting apparently by Marshall Applewhite -- the homosexual self-proclaimed leader of the Heaven's Gate suicide cult -- referenced the Art Bell program as "fantastic proof" that a spacecraft was flying behind the Hale-Bopp comet. It was the "marker" the cult had been waiting for! Applewhite used the email address of rep@heavensgate.com and said that he had been working with "students and disciples" for several years preparing them for membership in the "Next World."

On March 28th, Chuck Shramek issued a press release saying he was shocked over the tragic mass suicide. "My shock turned to horror when some wire service reports actually made a connection between me and the cult suicides." He told how he faxed the photo he took to Art Bell and added "I want to make it clear that I am not the source of the spaceship stories ...[and] in no way do I feel I caused this tragedy."

It actually was Art Bell, W6OBB who initially popularized the notion that the Hale-Bopp comet could possibly be shielding a UFO. The Associated Press even went as far as to suggest that the mass suicides may have been inspired by the Art Bell show. More recently, however, Bell has been backing away from the UFO theory.

The news of the mass suicides of the 39 Heaven's Gate members has generated hundreds of impassioned Usenet Group messages on the Internet. Many writers are fearful of the Internet and its ability to draw people to cults. The Internet is very inexpensive for cults to spread

their propaganda ...and e-mail to keep in touch with supporters even cheaper. In a way, the Internet becomes a virtual commune. Some want to know if the Internet itself is to blame.

Theoretically, the Heavens Gate website is still out on the Internet. But you get a "Too many users. Please try again later" message when you try to access it. The true story is that the Heaven's Gate religious site has been taken off-line by the Internet provider at the request of federal authorities who want to preserve it. The FBI has also been called in to examine the more than 100 computer disks found in their mansion. According to CNN, the Internet web service provider is waiting for a federal subpoena before giving investigators access to the website contents.

What is NOT true is the April 1st Internet "front door" posting of a very official looking FBI, Washington, DC press release stating that "The Art Bell web site (www.artbell.com) has been removed pending an investigation initiated by the San Diego field office..." The press release mentions a Commander John Wassajok and special agent Ms. Mai Pulyurlegg, of the San Diego FBI field office. This was an April Fool joke!

Before "leaving for Their World" the cult made an advance payment to their website provider to make sure that their site would remain online throughout the summer "...one last attempt at telling the truth about how the Next Level may be entered..." According to the website's Internet Provider (Space Star Communications) a caller from the cult told them that they would be leaving soon and would have no forwarding address. Two days later, the group's Webmaster posted a blinking "Red Alert" message and a suicide message to the site indicating that "...Hale-Bopp brings closure to Heaven's Gate."

In the meantime, you can get access to the Heaven's Gate web pages through the Art Bell/W6OBB site. He has posted a Heaven's Gate mirror site at his website. He also runs all sorts of links to various weird news and web sites. (Two links even go to followers of David Koresh at <http://www.sevenseals.com/> and <http://www.-branchdavidian.com/>) And Art Bell clubs are springing up all over! (Check out: <http://www.psicounsel.com/-artbellclub>)

There are also several strange Usenet newsgroups (such as alt.alien.visitors, alt.religion.scientology and alt.fan.art-bell) that concentrate on the unexplained. One message on the alt.alien.visitors newsgroup sums it up the feeling of many. "I would tend to agree with people who say that Art Bell has blood on his hands." Another posting says, "The San Diego cult that killed themselves apparently may have been listeners to 'Coast to Coast.' ...Now I understand why Art was so grim and serious about the incident last night." Still another: "From this point on, let's refer to the mass suicide in California as the Art Bell massacre." But after three days of researching this article, my own opinion is that probably neither the amateur astronomer nor Art Bell are responsible. It seems to be a coincidence. Many are not convinced.

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INTERNATIONAL RED CROSS EMBARKS ON ELECTRONIC FUND RAISING OVER INTERNET!

Congressman believes it is a criminal operation!

On March 20, a bill was introduced into the U.S. Senate to ban Internet gambling. Sen. Jon Kyl (R-AZ) was joined in the measure by two other Republicans and three Democrats. According to Kyl, the objective is to eliminate "...abuse, addiction and access by minors."

Sounds like more abuse of the First Amendment to us. The *Internet Gambling Prohibition Act of 1997* would outlaw all forms of computer gambling including raffles and lotteries. They may have bitten more off than they can chew. National borders do not exist on the Internet.

Coincidentally, two days earlier, the world's largest humanitarian organization, the International Red Cross launched an Internet-based public lottery (URL is located at: <http://www.pluslotto.com>) that is being administered by the Government of Liechtenstein -- a place you have probably never heard of.

Liechtenstein is a tax-haven located between Switzerland and Austria. The first weekly drawing under the new format is scheduled to be held on Friday, April 18, 1997. The International Red Cross even promotes the lottery on their own website (See: <http://www.ifrc.org>)

PlusLotto is actually the rebranded Interlotto, the original non-profit Liechtenstein lottery that went live on October 7, 1995. See: <http://www.interlotto.li.com> (Be sure to put the "li" after interlotto, otherwise you will reach another -- and unrelated -- USA lottery information site.) Once PlusLotto gets going, InterLotto will disappear. Even though the PlusLotto server is the same as the InterLotto server, there is no "li" in the PlusLotto address! Many foreign servers do not use the country code in their address. Evidently the lottery operators wanted to get away from the stigma attached to a largely unknown and very small foreign country.

And small it is! The Principality of Liechtenstein is smaller than many U.S. cities: only 16 miles long and 4 miles wide in the Swiss Alps. The 61 square miles are mostly snow-capped mountains. Liechtenstein's claim to fame has been its political stability and liberal tax laws. They have remained completely neutral during their 250 year history and have no military at all, Liechtenstein shares customs, currency and postal systems with Switzerland. Its banks are Swiss owned.

Liechtenstein's wealth stems from the many off-shore companies that have located there ...and a brisk business in selling collectible postage stamps. The Prince of Liechtenstein lives in a castle and is one of the richest men in the World. Interestingly, due to a Swiss-Liechtenstein agreement, residents of Switzerland -- which has its own lottery -- are prohibited from playing the Red Cross lottery.

The Government of Liechtenstein wants to increase their weekly lottery sales and they believe the credibility and reputation of the Red Cross will help people to overcome their reluctance to participate online. The Inter-

national Red Cross Lottery certainly sounds more inviting to potential customers better than the Liechtenstein Lottery. And the feds might be less likely to go after an organization as well known and respected as the International Red Cross.

To play PlusLotto (or InterLotto) you simply post your credit card number (American Express, VISA or MasterCard) to their secure (Netscape/Microsoft encrypted) multilingual server and then pick out 6 numbers between 1 and 40. You also can fax or mail your credit card number ...or send them an advance bank draft payable in Swiss Francs. The minimum credit card deposit is ten Swiss francs and minimum purchase is one lottery ticket: cost one Swiss franc (68¢ US). There are ten rows of numbers which can be selected at one time, however. Matching 4 or 5 numbers wins a smaller cash prize with all 6 getting the Jackpot. Prizes are rolled over to the next drawing if there are no winnings. You must be 18 years old to play PlusLotto.

The 6-out-of-40 format offers far better odds (3.8 million to one) than most other lotteries which offer 6-out-of-50 (14 million to one.) Million dollar (1.4 million Swiss Francs) jackpots are guaranteed. The PlusLotto prize pool is not as high as it was with InterLotto which paid 5% to charity and had a 65% prize payout. Effective with the April 18th drawing, 25% of ticket sales goes to the Red Cross, and 50% into a prize pool. If five million people purchase one 68¢ lottery ticket weekly, the Red Cross makes \$44 million a year!

Earlier this year, the Liechtenstein lottery switched to new high speed servers and began offering a dozen different Java-based interactive instant games called "scratchies," an hourly game called the "Little Big 1" (Pick 5 numbers from 15) and a daily (9 p.m. Central European Time) "Lotto Shoot Out" (Bingo format - you pick 8 numbers between 1 and 80). These will continue. There is even a demonstration server where you can play all of the games free. No prizes are awarded, of course. We have tried it and it is fun!

All actual winnings are tax free and paid in full in one lump sum by the Liechtensteinische Landesbank, AG. Anonymity is guaranteed. You fly into Zurich, Switzerland (only one hour away by auto) to pick up your payoff. And you can open a Swiss banking account while you are at it to avoid home country taxes. Your winnings can also be forwarded to you via bank draft but be aware that US law requires that your bank notify the feds of any huge deposits. Drawings and payoffs are supervised by the respected international accounting firm of Coopers and Lybrand AG and the Liechtenstein operations appear to be above board.

Lotteries on the Internet need many paying customers in order to generate large jackpots. For this reason, there are not many lotteries that exist only on the World Wide Web. The Government of Liechtenstein lottery is an exception. Internet lottery sites are technically much easier to set up than Internet casinos which host a full complement of games. They do not need sophisticated

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graphics or frequent game playing interaction.

The big question is, of course, is this all legal? Here is Liechtenstein's position on that matter: "Our legal advisors are of the opinion that, when playing PlusLotto on the Internet, players are traveling to Liechtenstein to enter the lottery. For most individuals it is legal to take part in the legal activities of the country they are visiting. Individuals should satisfy themselves of their particular status before they enter." Will that hold up? Not if Senator Kyl or the National Association of Attorneys General (NAAG) get their way!

Regulating Lotteries

The NAAG has formed an Internet Gambling Working Group. Their goal is to amend the Wire Communications Act to assure that Internet gambling, in any form, is illegal. That is easier said than done. Going after the operators of the Internet gambling sites is not possible under today's laws. And who is responsible for Internet gambling enforcement? Is it the state or the federal government? Most Internet gambling sites are located out of the country and it is often difficult to know just where the operation takes place since location headers can be easily manipulated.

The Federal Wire Statute (18 U.S.C. 1084) was written before the birth of the Internet. But since most Internet gaming uses a personal computer connected to a telephone line, it is the federal law most likely applicable to Internet gaming. It was enacted to allow federal officials to prosecute bookies who use telephones to accept wagers. The statute does not contemplate radio or satellite communications or other methods of transmission not involving a wire or cable. Here is what it says:

"Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined under this title or imprisoned not more than two years, or both."

Section 1084 targets the person "...engaged "in the business of betting or wagering." A home user that plays the lottery over the Internet is not in the business of betting and cannot be prosecuted under Section 1084. And Section 1084 specifically refers to "sporting events or contests." Internet casino gambling and lotteries are neither.

While Section 1084 can be applied to offshore Internet casino or lottery operators since it prohibits the transmission of wagers by wire communications in foreign commerce, the Justice Department lacks jurisdiction over foreign operators.

The success of arguments that Section 1084 does

not apply to Internet gambling may be short-lived if a Senate amendment proposed by Senators Jon Kyl and others is adopted. The current version of the proposed Section 1084 amendment changes the wording "wire communication facility" to a broader "wire or electronic communication," which would encompass satellite communication. Furthermore, the amendment would impose liability on home users for gambling over the Internet. And the statutory language would be clarified to assure that Section 1084 applies to any "bets or wagers."

The NAAG proposed amendments go even further than the Kyl Amendment. Unlike offshore gambling sites, Internet service providers (ISP) are subject to federal regulation. They would require any ISP (subject to FCC jurisdiction) to discontinue access to any Internet site if requested by any local, state or federal law enforcement agency if that Internet site "is being used for the purpose of transmitting or receiving" gambling information in violation of federal, state or local law. It also empowers any local, state or federal law enforcement agency to require that ISP's bar access to offending servers. In other words, the online service provider would be responsible to police Internet content!

As currently written, Section 1084 could not be used as a tool to prosecute home users who participate in games over the Internet. The Act is not directed at social bettors but at professional gambling operations. Under both the Kyl and the NAAG Amendment, however, the home better would violate federal law.

There is even talk about setting up sting operations and false gambling sites to trap gamblers ...and gathering evidence by tapping a home user's telephone. Other approaches being considered is requiring ISPs to keep digital Internet activity records on subscribers ...or licensing ISPs as broadcast mediums subject to FCC content restrictions. The FCC could also be required to keep a list of prohibited websites.

Also under consideration is the policing of Internet search engines (so that certain site addresses would not be available), monitoring advertisers who promote outlawed sites (the FCC currently has jurisdiction over radio and TV advertising) and financial transaction providers (credit card companies) that provide a way for funds to be transferred offshore. The feeling is, however, that none of these strategies would pass constitutional (First Amendment) muster.

President Clinton has recently established the National Gambling Impact and Policy Committee which will study the economic impact of gaming on the United States.

Now comes word that the St. Ignatius Catholic Church in Georgetown, Cayman Islands (in the Caribbean) has set up a raffle on the Internet. (I was not able to find their Internet address, however.) A raffle differs from a lottery in that goods rather than money is offered as the prize. In this case, the prize is a \$500,000 vacation home on Grand Cayman. A raffle ticket cost \$25 U.S. dollars.